

UNITED STATES DISTRICT COURT
Northern District of California

JOSELITO FABIONAR,

No. C 12-991 MEJ

Plaintiff,

**ORDER REFERRING CASE TO ADR
UNIT FOR ASSESSMENT
TELEPHONE CONFERENCE**

v.

FIRST FEDERAL BANK OF CALIFORNIA,
et al.,

Defendants.

Pursuant to Civil Local Rule 16-8 and Alternative Dispute Resolution (ADR) Local Rule 2-3, the Court refers this foreclosure-related action to the ADR Unit for a telephone conference to assess this case's suitability for mediation or a settlement conference. The parties shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible, but no later than May 15, 2012.

The parties shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

The parties need not submit written materials to the ADR Unit for the telephone conference.

In preparation for the telephone conference, Plaintiff shall do the following:

- (1) Review relevant loan documents and investigate the claims to determine whether they have merit.
- (2) If Plaintiff is seeking a loan modification to resolve all or some of the claims, Plaintiff shall prepare a current, accurate financial statement and gather all of the information and documents customarily needed to support a loan modification request. Further, Plaintiff shall immediately notify Defendants' counsel of the request for a loan modification.

- 1 (3) Provide counsel for Defendants with information necessary to evaluate the
2 prospects for loan modification, in the form of a financial statement, worksheet
3 or application customarily used by financial institutions.

4 In preparation for the telephone conference, Defendant(s) shall do the following.

- 5 (1) If Defendants are unable or unwilling to do a loan modification after receiving
6 notice of Plaintiff's request, counsel for Defendants shall promptly notify
7 Plaintiff to that effect.
- 8 (2) Arrange for a representative of each Defendant with full settlement authority to
9 participate in the telephone conference.

10 The ADR Unit will notify the parties of the date and time the telephone conference will be
11 held. After the telephone conference, the ADR Unit will advise the Court of its recommendation for
12 further ADR proceedings.

13 The June 7, 2012 hearing on Defendants' motion to dismiss is VACATED pending resolution
14 of this ADR process.

15 **IT IS SO ORDERED.**

16 Dated: April 17, 2012

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18 Maria-Elena James
19 Chief United States Magistrate Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSELITO FABIONAR,

Plaintiff,

v.

FIRST FEDERAL BANK OF CALIFORNIA et
al,

Defendant.

Case Number: CV12-00991 MEJ

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 17, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Joselito Fabionar
27624 Baldwin Street
Hayward, CA 94544

Dated: April 17, 2012

Richard W. Wieking, Clerk
By: Rose Maher, Deputy Clerk